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10/798,743

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Garrett R. Vargas

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EXAMINER

IBRAHIM, MOHAMED

ART UNIT

PAPER NUMBER

2144

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,743

Applicant(s)

VARGAS ET AL.

Examiner

MOHAMED IBRAHIM

Art Unit

2144

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14, 19, 21-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14, 19, 21-23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 14 uses the phrase "Computer-readable medium" however the phrase lack proper antecedent basis from instant disclosure.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 23 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: The claims are directed to computing device which is hardware however; the language of the claim only recites software components. Thus the claims need to recite the hardware components which interact with the computer device.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23 and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to a computing device system however the component of these claims consists of only software application that facilitate message handling for the computing device. Although Applicant are added "storage component" to the claim, the specification indicates that storage component may be a physical storage rather can be considered to be an inbox. Therefore, Applicant is asked to clarify that the storage component is in fact an actual physical storage. Thus the claims are rejected for been implement in software per se.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-11, 14, 19, 21-23 and 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Aronson et al (Aronson), U. S. Patent No. 6654787.

Regarding claim 1, Aronson discloses in a computing device, a method for filtering messages received by a message-handling mechanism (see e.g. Aronson, fig. 3 and

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col. 2 lines 19-24; a system for filtering received messages is provided), the method comprising: receiving a message at a message-handling mechanism that is configured to present message data to users (see e.g. Aronson, col. 21-39; e-mail messages are received from mail server to the client's machine); flagging the message at the message-handling mechanism, indicating that the message should be sent to a set of at least one rule client that has registered to receive messages that have been flagged, wherein the at least one rule client registers by registering a dynamic-link library in a system registry as a component object model object such that the rule client is loaded when the message-handling mechanism receives the message (see e.g. Aronson, col. 4 line 57-col. 5 line 16; received messages are screen against inclusion list and are flagged for further processing if they are not in the inclusion list); calling a first rule client of the set of at least one rule client and providing the message to the first rule client (see e.g. Aronson, fig. 3, items 310, 320 and col. 5 lines 50-67; suspected spam messages are filter using rule handling filter modules); the first rule client processing the message such that the first rule client extracts information from the message and passes the information to an application program that is distinct from the message-handling mechanism (see e.g. Aronson, col. 5 lines 59-64; the message are analyze and words and letter are extracted from them); and receiving data from the first rule client, the data indicating whether the message- handling mechanism may provide the message to the next rule client in the set of at least one rule client or discard the message (see e.g. Aronson, col. 6 line 63-col. 7 line 6; several rules may be applied to messages to allow

a filter module to decide that the message is spam).

Regarding claim 3, Aronson discloses wherein receiving a message comprises receiving a message formatted according to a protocol, the protocol belonging to a set containing IMAP4, POP3, ActiveSync, Instant Messaging and MMS (see e.g. Aronson, col. 3 lines 54-60).

Regarding claim 4, Aronson discloses wherein calling the first rule client and providing the message comprises calling the first rule client on a defined interface (see e.g. Aronson, col. 5 lines 31-52).

Regarding claim 5, Aronson discloses further comprising, upon determining that the data indicates that the message should be discarded, the message-handling mechanism deleting the message (see e.g. Aronson, col. 4 lines 31-41).

Regarding claim 6, Aronson discloses further comprising, upon determining that the data indicates that the message may be provided to the next rule client, determining whether there is a next rule client in the set of at least one rule client, and if so providing the message to the next rule client (see e.g. Aronson, col. 6 line 63-65).

Regarding claim 7, Aronson discloses further comprising, upon determining that there is no next rule client in the set of at least one rule client, storing the message for display in

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a user interface corresponding to the message- handling mechanism (see e.g. Aronson, col. 5 lines 9-12).

Regarding claim 8, Aronson discloses wherein the data indicating that the message-handling mechanism may provide the message to the next rule client comprises information indicating that the first rule client was not interested in processing the message (see e.g. Aronson, col. 5 lines 50-67).

Regarding claim 9, Aronson discloses wherein the data indicating that the message-handling mechanism may provide the message to the next rule client comprises information indicating that the first rule client processed the message (see e.g. Aronson, col. 6 lines 45-65).

Regarding claim 10, Aronson discloses wherein providing the message comprises, making a copy of the message, and providing the copy to the first rule client (see e.g. Aronson, col. 2 lines 22-24).

Regarding claim 11, Aronson discloses wherein the message-handling mechanism comprises an inbox program and a message storing component, wherein the inbox program receives and flags the message and then calls the message storing component by passing the flagged message such that the message storing component,

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upon detecting the flagged message, calls the first rule client (see e.g. Aronson, fig. 8 and col. 10 lines 45-64).

Regarding claim 14, the limitation of this claim has already been addressed (see claim 1 above).

Regarding claim 19, Aronson discloses further comprising, the first rule client modifying the message (see e.g. Aronson, col. 9 lines 11-17).

Regarding claim 21, Aronson discloses further comprising the first rule client providing information to the message-handling mechanism indicating that the first rule client requests read-only access to messages (see e.g. Aronson, col. 4 lines 57-64).

Regarding claim 22, Aronson discloses wherein each of the rule clients of the set of rule clients is ordered such that rule clients requesting read-only access to messages are called prior to rule clients requesting write access to the messages (see e.g. Aronson, col. 4 lines 57-64 and col. 6 lines 64-65).

Claim 23 list all the same elements of claim 1, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 23.

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Regarding claim 25, the limitation of this claim has already been addressed (see claim 7 above).

Regarding claim 26, the limitation of this claim has already been addressed (see claim 8 above).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aronson in view of Koponen et al (Koponen), U. S. Patent Application Publication No. US 2004/0235503.

Although Aronson discloses the invention substantially as claimed, it does not explicitly disclose wherein receiving a message comprises receiving a message in an SMS format.

Koponen teaches a system for processing and filtering short message service (SMS) where SMS messages first goes to an analyzer that analyses the message in accordance with a predetermined way (see Koponen, paragraph [0030]-[0031]). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Koponen with that of Aronson. Motivation for doing so would have been to expand the filtering capability of Aronson to include limited size message

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filtering for all device capable of receiving and sending SMS (see, Koponen, paragraphs [[0003] and 0016]).

Response to Arguments

9. Applicant's arguments with respect to claims 1-11, 14, 19, 21-23 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMED IBRAHIM whose telephone number is (571)270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MI/

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144